

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
VS.)	CRIMINAL NO. 2:05-CR-119-F
)	
DON EUGENE SIEGELMAN,)	
PAUL MICHAEL HAMRICK,)	
GARY MACK ROBERTS, and)	
RICHARD M. SCRUSHY.)	

MOTION TO EXTEND DEADLINE FOR FILING
MOTION AND BRIEF FOR SEVERANCE

Comes now Gary Mack Roberts, a defendant in the above-styled matter, by and through his undersigned counsel and requests this Honorable Court to extend the deadline for filing his Motion for Severance and supporting Brief. As grounds for and in support of his motion defendant states as follows:

1. This defendant is presently scheduled to file his motion and brief on Wednesday, December 14th.
2. Counsel for the defendant has just learned that the Superseding Indictment which is the subject of this motion has been superseded. Counsel learned of this from a courtesy call by the U.S. Attorney's office. However, the Second Superseding Indictment has not been filed in the clerk's office and the defendant has not obtained a copy of this second superseding indictment.
3. Accordingly, the defendant requests additional time in order to review the second superseding indictment and to incorporate this new document in his motion and brief. This is necessary for this defendant because part of the basis for his requested severance is that the indictment involves numerous and complex counts that are unrelated to this defendant and

furthermore, that there is a gross disparity in the weight of the charges and evidence against the various defendants. It is believed that this superceding indictment will further compound this disparity and buttress this defendant's need for a severance.

4. As a general principle of due process and fairness counsel for the defendant should have the opportunity to review the indictment he is seeking to have severed before the defendant is required to file his motion for a severance.

Wherefore, defendant moves this Court to enter an order extending the deadline for filing his motion and supporting brief for severance until the undersigned counsel has had an opportunity to review the Second Superceding Indictment.

Respectfully submitted this the 12th day of November, 2005.

/s/ David McKnight
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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ David McKnight
Of Counsel